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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DEVICOR MEDICAL PRODUCTS,
INC., a Delaware corporation,

Plaintiff,

vs.

KAND MEDICAL, INC., a California
corporation,

Defendant.

CASE NO. 13-CV-2389-BEN (KSC)

**ORDER ON THIRD JOINT
MOTION FOR EXTENSION OF
TIME FOR DEFENDANT TO
RESPOND TO PLAINTIFF'S
COMPLAINT**

[Docket No. 14]

Before this Court is the Third Joint Motion for Extension of Time for Defendant to Respond to Plaintiff's Complaint. (Docket No. 14). The Complaint in this matter was filed on October 4, 2013. This Court has previously granted two joint requests to extend time. (Docket Nos. 10, 12). On November 14, 2013, this Court ordered the Defendant to respond by December 13, 2013. (Order on Second J. Mot.). At that time, the parties were cautioned that a third extension of time to respond would only be granted under special circumstances. (*Id.*) The parties now seek to extend the deadline for Defendant to respond to January 24, 2014.

In their third joint motion, the parties inform this Court that no party will be prejudiced by the extension, and assert that there is good cause for this Court to extend the deadline. The parties assert that the case involves complex issues regarding Plaintiff's allegation that Defendant infringed five United States patents due to

1 Defendant's distribution of breast biopsy makers manufactured by Biopsy Sciences,
2 LLC (Biopsy). (Third J. Mot. at 2). Plaintiff filed a lawsuit against Biopsy in the
3 District of Delaware on December 7, 2010. (*Id.*) Review of public records in *Devicor*
4 *Medical Products Inc. v. Biopsy Sciences LLC*, 10-cv-1060 (D. Del.), reveals that
5 discovery is being conducted and the litigation is ongoing. The parties do not explain
6 how the Delaware litigation affects Defendant's response, but this Court assumes that
7 Defendant requires more time to review the litigation.


8 Given the parties' contention that the matter is complex, and the existence of
9 three years of litigation in a related case, this Court finds that the parties have
10 demonstrated that there is a good cause for a third extension.

11 However, this Court also seeks to facilitate the expeditious resolution of
12 litigation, and faces the need to manage a busy docket. No more extensions will be
13 granted.

14 The Third Joint Motion is **GRANTED**. Defendant is **ORDERED** to respond
15 to Plaintiff's complaint no later than **January 24, 2014**.

16 **IT IS SO ORDERED.**

17
18 Dated: December 18, 2013


HON. ROGER T. BENITEZ
United States District Judge